

TEXAS

COMPARISON OF PERFORMANCE TRACK'S ACHIEVEMENT LEVEL AND CLEAN TEXAS			
Category		Clean Texas Leader Level	
EMS		M	
Components	Policy	M	Senior management defines a written EMS policy statement that sets a goal of 100% compliance with legal requirements and continuous improvement in environmental performance. Pollution prevention (P2) is not explicitly addressed in the EMS policy requirements, but may be addressed through the program's requirement of a Product Stewardship Policy. Environmental goals are developed with community input, and facilities are expected to meet with the public annually to explain their progress against those goals. An explicit policy of conformance with voluntary commitments is not required, but companies must have a track record of meeting previous P2 goals in order to participate in the program.
	Planning	M	Facilities must have a written plan to assess environmental aspects, assure compliance and achieve measurable environmental improvements on a specified time line.
	Implementation and Operation	M	Implementation requirements address identifying appropriate personal and resources to implement the program, employee training and incentives, documentation, operations and maintenance programs, and emergency preparedness. Procedures for achieving compliance are not explicitly required, but written plans for environmental improvement are expected to include procedures for meeting goals. Top management is not explicitly required to be included in assignment of roles and responsibilities, but responsible management must sign off on the application to Clean Texas, implying support for and participation in the program.
	Checking and Correcting	M	Clean Texas includes a monitoring program, EMS audits, documentation and requirements for corrective action.
	Management Review	M	Clean Texas requirements include a review process and statement of commitment from senior management.
EMS Audit/ Self-Assessment		M	Initial application requires a summary of a third-party review of EMS. Third-party EMS audit is required every three years.
One EMS Cycle Required		M	Clean Texas requires that a facility's EMS is fully implemented and that it has been through at least one review cycle.

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Scalable to Company Size	M	EMS requirements are scalable and goals are expected to be appropriate to the business. State will conduct an EMS audit for small businesses that request it.
Facility Performance (Continuous Improvement)	●	Comprehensive past and future performance improvements required, but categories and aspects requirements are not as specific as Performance Track.
Past Performance	●	Facilities must demonstrate either three years performance in a previous Clean Texas program, or three years proven environmental leadership. Alternatively, they must demonstrate that they are a state-of-the-art facility. Numbers of categories and aspects are not specified.
Future Performance	●	Facilities must commit to measurable environmental improvements over a three year period. Improvements must be set with community support. Number of categories and aspects not specified, but a separate requirement for product stewardship improvements effectively makes two categories the minimum.
Public Outreach and Reporting	●	
Community References	M	Must provide a list of community partners and a letter of endorsement from the community. Community partners are expected to represent the neighborhood and the region in which the facility operates. If the Clean Texas program recommends a facility for the Performance Track program it would serve as the required reference from a regulator.
Community Outreach and Reporting Plan	M	Community members must be involved in goal setting and must have the opportunity to review progress towards goals. Facilities must develop a community communication program that reports on facility environmental improvements and ensures two-way and open communication, holding at least four pre-notified meetings per year. Facilities must also sponsor local environmental programs or projects.
Annual Report Required	●	Annual progress report that describes activities, progress toward meeting goals, and changes to the EMS is required. However, no summary of compliance with applicable regulations is required.
Verification	●	Sustained compliance and EMS verifications required; TNRCC will conduct a compliance review which may include a review of EMS, inspections, and compliance history.

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Compliance Record Screening (Sustained Compliance)	●	Facilities that have been issued a TNRCC Findings Order within the last three years, incurred a judgement from the Texas or U.S. Attorney's Office during the last three years, or have ever had a criminal violation of environmental laws are ineligible. Facilities grandfathered under the Clean Air Act should address permitting through a voluntary program. Ongoing EPA litigation or debarment from EPA programs is not addressed.
Self-Certification of Compliance	NA	Annual update required, but does not contain a self-certification requirement.
Annual Compliance Self-Audits	●	There is no explicit requirement for a compliance audit.
Random Site Visits	NA	Site visits are not part of the program, but there is a requirement for an EMS verification by a third party every three years, which could include random site visits.
Duration of Participation	M	Three year duration of participation.
Key: M State program requirements are consistent with or exceed Performance Track's Environmental Achievement requirements. ● State program requirements are not fully consistent with Performance Track's Environmental Achievement requirements. NA State program does not address the Performance Track's Environmental Achievement requirements. ? The extent to which the state program requirements are consistent with Performance Track's Environmental Achievement requirements is unclear.		